IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THURSDAY, THE THIRTIETH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

and
THE HON'BLE MR JUSTICE P.LAKSHMANA REDDY

WRIT APPEAL NO : 138 of 2003

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 29/11/2002 in WP NO : 6948 OF 1994 on the file of the High Court.)

Between:

Godi Sudhakar S/o.Rajarao Dept., of Human Genetics,

AU, Waltair, Visakhapatnam

..... APPELLANT

AND

1 Andhra University Rep.by its Registrar, Waltair,

Visakhapatnam
2 The Selection Committee rep.by its Chairman cum Vice

ChancellorAndhra University, Waltair, Visakhapatnam
3 Tulasi Mahankali S/o.Peddiraju
O/o.Director of Insurance, Tilak Road, Abids,Hyderabad

4 The Chairman University Grants Commission
Bahadurshah Jaffer Marg, New Delhi

.....RESPONDENTS

Counsel for the Appellant:SMT.K.SESHARAJYAM

Counsel for the Respondents 1 and 2: MR.T.RAJENDRA PRASAD

Counsel for the Respondent No.3 : Sri D.V.Sitharama Murthy

Counsel for Respondent No.4 : G.P. for Higher Education

The Court made the following :

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JUDGMENT: (Per Hon'ble Smt. Justice T.Meenakumari)

Aggrieved by the order of the learned single Judge dated 29.12.2002 in W.P.No.6948/2002 in allowing the writ petition, the 3rd respondent in the writ petition, filed this writ appeal.

The matter relates to appointment of a Lecturer in Human Genetics. The appellant herein was appointed to the said post and challenging the same, the 3rd respondent herein filed the writ petition

and the learned single Judge allowed the writ petition by setting aside the appointment of the appellant.

While perusing the impugned order, we came across an observation made by the learned single Judge, which reads as follows:

> *"In fact the 3rd respondent tried to influence me through various sources. Having failed in his attempt, he degraded to this level. I do not know how such a person can guide the student community at post graduate and doctoral level. If I passed any order with biased view or with mala fide intention, it is always open to him to carry the matter in appeal and get the correctness of my judgment tested in appeal instead of attacking the Court in this manner. I would have, in the normal course, taken a serious view of the matter but keeping his long career I end this discussion at this stage by observing that this Court cannot be stopped from pronouncing this judgment having heard the matter for more than two years."*

The perusal of the impugned order shows that the learned single Judge has discussed several points after making the above observations like role of U.G.C., Ph.D. regulations, viva voce etc. allowed the Writ Petition by setting aside the appointment of the third respondent as lecturer in human genetics with a consequential direction to the University to appoint the writ petitioner as lecturer in human genetics, within four weeks from the date of receipt of a copy of the order.

But, however, it has to be observed that the observations made by the learned single Judge to the effect that *"I do not know how such a person can guide the student community at post graduate and doctoral level"* even before coming to the conclusion with regard to the validity of the appointment of the appellant herein, goes to show that the learned single Judge had a pre-determined view with regard

to the validity of the appointment of the appellant. Having said so, the learned single Judge further observed in the judgment that *"if the order is biased, the third respondent is entitled to file an appeal",* even before pronouncing the judgment. The said observation is made as a part of the judgment. In view of such observations, there is every likelihood that the third respondent could gain an impression that the learned Judge passed orders agasint him with predetermined view on account of prejudice entertained against him and not on merits of the case.

Under the above circumstances, without going into the merits of the case, we deem it proper to set aside the order of the learned single Judge in view of the above observations and remand the matter to a learned single Judge.

Accordingly the impugned order is set aside and matter is remitted back to a learned single Judge for being disposed of in accordance with law and without being influenced by any of the observations made by the learned single Judge. Accordingly, the writ appeal is allowed with the above observations. However, no order as to costs.

Registry is directed to post the matter before the appropriate Court after obtaining necessary orders from the Hon'ble the Chief

Justice.

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SMT.T.MEENA KUMARI, J

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P.LAKSHMANA REDDY J

Ccm/mhn

30-06-2005

To

1. The Registrar, Andhra University, Waltair, Visakhapatnam
2 The Chairman cum Vice Chancellor, Selection Committee,
Andhra University, Waltair, Visakhapatnam
3 The Chairman University Grants Commission
Bahadurshah Jaffer Marg, New Delhi

4 Two CCs to the G.P. for Higher Education, High Court

Buildings, Hyderabad (OUT)

5. Two CD copies.

6. The Section Officer, Writ Posting Section, High Court

Building, Hyderabad.